

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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UNITED PROMOTIONS, INC. and	)	
FERNANDO FIGUEREDO,	)	
	)	C.A. No. 2011-CV-6892
Petitioners,	)	Judge Der-Yeghiayan
v.	)	Magistrate Judge: Brown
LINDSAY CORP., ANDRES GACHARNA,	)	
and CATHERINE E. LINDSAY,	)	
	)	
Respondents.	)	

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**MOTION FOR ENTRY OF DEFAULT AND JUDGMENT  
AGAINST RESPONDENT LINDSAY CORP.**

Petitioners United Promotions, Inc. and Fernando Figueredo (“Petitioners”) move for entry of judgment by default against Respondent Lindsay Corp. in the amount of \$97,226.00.

This is an action seeking confirmation of arbitration awards in which the arbitrator awarded Petitioners reasonable attorneys’ fees in the amount of the \$92,076.00 and expenses of \$5,150.00, totaling \$97,226.00, to be paid by Respondents Lindsay Corp., Andres Gacharna, and Catherine E. Lindsay.

On September 30, 2011, Petitioners commenced this action by filing a Petition for Confirmation of Arbitration Awards and Entry of Final Judgment (“Petition”). (D.I. 1.) On the same day, a copy of the Petition and its accompanying papers were served on Andres Gacharna, Lindsay Corp.’s registered agent, by a personal process server appointed by this Court (affidavit of service, D.I. 18). Respondents Andres Gacharna and Catherine E. Lindsay also were served by a personal process server on September 30, 2011 (affidavits of service, D.I. 18).

On October 17, 2011, Andrew Robert Schwartz and Thomas James Kanyock filed attorney appearances for Respondents Andres Gacharna and Catherine E. Lindsay. Respondents Andres Gacharna and Catherine E. Lindsay contested service on the sole grounds that they were not served by U.S. marshal. (D.I. 15.) To date, no attorney has filed an appearance for Respondent Lindsay Corp.

On December 6, 2011, the Court issued an opinion requiring service by a U.S. Marshal. (D.I. 24.) On December 8, 2012, Petitioners served via U.S. Marshal Catherine Lindsay (affidavit of service, D.I. 28), and on December 9, 2012, Petitioners served via U.S. Marshal Andres Gacharna as the registered agent of Lindsay Corporation and as an individual (affidavits of service, D.I. 27). The U.S. Marshal's office filed the respective affidavits of service on December 21, 2011 (D.I. 27, 27). To date, none of the Respondents has answered the Petition or otherwise pleaded with respect to the Petition.

Pursuant to the Court's October 12, 2011 Order, the deadline for Respondents to answer the Petition or otherwise plead was October 26, 2011. (D.I. 2.) More than sixty days have passed since the U.S. Marshal served Respondents. Respondent Lindsay Corp. has not answered, moved with respect to the Petition, or otherwise appeared. Respondent Lindsay Corp.'s time to answer, move or appear has not been extended. Accordingly, Respondent Lindsay Corp. is now in default.

For the foregoing reasons, Petitioners respectfully request that the Court grant judgment in the amount of \$97,226.00 against Respondent Lindsay Corp. on default.

Dated: February 9, 2012

Respectfully submitted,

/s/ Jon H. Beaupré  
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Jon H. Beaupré (IL Bar No. 6298230)  
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**Attorneys for Petitioners United Promotions, Inc.  
and Fernando Figueredo**

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**CERTIFICATE OF SERVICE**

I, Jon H. Beaupré, hereby certify that on February 9, 2012, I served the attached MOTION FOR ENTRY OF DEFAULT AND JUDGMENT AGAINST RESPONDENT LINDSAY CORP. via the following means.

For Andres Gacharna and Catherine E. Lindsay,  
via the CM/ECF system which sent notification of  
such filing to the following:

Andrew R. Schwartz  
Thomas Kanyock  
SCHWARTZ & KANYOCK, LLC  
111 N. Canal Street, Ste. 394  
Chicago, Illinois 60606  
Tel. (312) 441-1040  
andy@schwartz-lawyer.com  
tjk@schwartz-lawyer.com

For Lindsay Corp., via hand delivery to  
the following:

Lindsay Corp.  
310 South Michigan Ave., #2013  
Chicago, IL 60604

Dated: February 9, 2012

/s/ Jon H. Beaupré  
Jon H. Beaupré